

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE
2005 NOV -2 P 4: 22

CITY OF BOSTON,

Plaintiff,

v.

REINAUER TRANSPORTATION
COMPANIES, LLC,

Defendants.

CIVIL ACTION NO. 03-12415RWZ

JOINT MOTION TO AMEND SCHEDULING ORDER

The parties to this action hereby jointly move that the Scheduling Order entered on March 25, 2005 be amended to enlarge the time for completion of fact discovery for a period of 120 days, from October 28, 2005 to February 24, 2006, and that the other deadlines be adjusted accordingly. As grounds for this motion, the parties state:

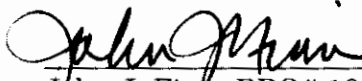
1. This action arises out of allision between the defendant's vessels and the fendering system of the Chelsea Street Bridge on December 2, 2000.
2. Other allisions with the fendering system at the Bridge are the subject of related actions entitled: *City of Boston v. Red Star Towing & Transportation Company, Inc., et al.*, Civil Action No.: 03-11666-RWZ;

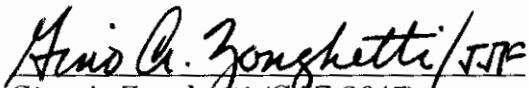
City of Boston v. K-Sea Transportation LLC, et al., Civil Action No.: 03-12416-RWZ; and *City of Boston v. K-Sea Transportation LLC, et al.*, Civil Action No.: 03-11651-RWZ.

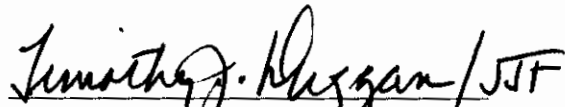
3. Although counsel for the plaintiff has been contending with a serious family medical matter that slowed the progress of discovery in this and the related actions, discovery is now proceeding and the parties have made substantial progress. Voluntary disclosures have been made by all parties; a joint inspection of the fendering system by the parties' experts has been conducted; documents relating to the incidents in issue and other matters have been obtained from the United States Coast Guard and produced to all parties; and written discovery has been served and responded to. Counsel for the parties have worked cooperatively to resolve discovery disputes arising out of the plaintiff's responses to written discovery, and counsel are working diligently to schedule and complete the additional discovery required in order to prepare this and the related cases for mediation and, if necessary, for trial.
4. Given the number of incidents and parties involved in this and the related actions, the liability and damages issues raised in each are numerous and complex.

5. This motion is not made for the purpose of delay, and the requested enlargement of time for the completion of discovery will not prejudice any party.

By their attorneys,

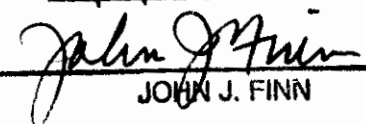

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Dated: November 2, 2005

CERTIFICATE OF SERVICE
I hereby certify that a true copy of the above document was
served upon the attorney of record for each party by mail
by hand on 11/2/05


JOHN J. FINN